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TAGS: [PHUM](#) [PREL](#) [KWMN](#) [KTIP](#) [CB](#)
SUBJECT: CAMBODIA: OPEN TO "INTERNATIONAL MEGAN'S LAW,"
ACKNOWLEDGES NEW TIP CHALLENGES

REF: A. PHNOM PENH 702
[1](#)B. PHNOM PENH 628
[1](#)C. PHNOM PENH 145

[1](#)1. (SBU) Summary: From September 2-5 a six-member U.S. House Committee on Foreign Affairs Staff Delegation met with Cambodian government officials, immigration and police contacts, and NGO representatives during a fact-finding visit to Cambodia. The visit was prompted by the introduction of a new bill that would require the USG to notify travel destination countries when the most dangerous Amcit pedophiles plan to travel to those countries. News of the bill, known as "International Megan's Law," was welcomed by Deputy Prime Minister Sar Kheng who stated that if the law is passed, "it would be beneficial for law enforcement." Immigration and police officials stated that the country's computerized Interpol or other computer systems might be possible systems with which a new notification system could integrate when and if it comes time to establish such a system. During their meetings with the StaffDel, DPM Sar Kheng, Minister of Women's Affairs Ing Kantha Phavi, and Anti-TIP National Task Force Chair You Ay acknowledged recent TIP challenges at the Sihanoukville and Appeals Courts, including the July release of a Russian pedophile by the Sihanoukville Court, and the recent Appeals Court sentence to reduce the charges and sentence of a pedophile originally convicted in 2006. End Summary.

Cambodia Welcomes "International Megan's Law" Bill

[1](#)2. (SBU) A six-member Staff Delegation led by House Foreign Affairs Committee Deputy Chief Counsel Kristin Wells visited Cambodia September 2-5 to research how a bill, if passed into law, might be implemented in Cambodia. The bill, H.R. 5722, was introduced by Congressperson Chris Smith of New Jersey, and is dubbed the "International Megan's Law" as it is conceptually related to a domestic "Megan's Law" requiring convicted sex offenders to register in their home states. Each state must then make public the convicted sex offender registry which includes home address information. The International Megan's Law, if passed, would require convicted sex offenders to provide three weeks advance notice to the USG when they plan to travel to a foreign country. The USG would then be required to provide the travel and identity information of those convicted sex offenders determined to be "high risk" to the destination country. Both the domestic and international versions of Megan's Law adopt the concept of providing information about a sex offender's presence in the community for the purpose of protecting children by providing information to the appropriate law enforcement officials. The original Megan's Law was adopted in the state of New Jersey after 7-year-old Megan Kanka was abducted, sexually assaulted, and murdered by a previously convicted sex offender who was living across the street unbeknownst to Megan and her family.

13. (SBU) Deputy Prime Minister Sar Kheng, Minister of Women's Affairs Ing Kantha Phavi, and National Task Force (NTF) Chair You Ay welcomed news of a bill that might result in the USG providing the Cambodian government more information about convicted sex offenders who intend to travel to Cambodia. Sar Kheng stated that if the bill is passed into law, notification of Amcit convicted sex offenders traveling to Cambodia would be beneficial for law enforcement officials in conducting anti-TIP work. He stated that if the RGC received information on convicted sex offenders in advance, police would be better prepared to deal with cases.

Sar Kheng: Child Sex Offenders Would Be Monitored

14. (SBU) For an individual who has not committed a crime in Cambodia, Sar Kheng stated that Cambodia would be obliged to permit the individual entry, but that a traveler who was previously convicted in the U.S. of a serious child sex abuse crime would likely be monitored by the police. He also made the point that the individuals targeted by this draft legislation likely would not be happy to know that their personal information is being provided to the RGC but said it would be a possible partial solution to combating one aspect of trafficking in persons. Both Sar Kheng and Ing Kantha Phavi stated that the notification information would likely have to go through the Ministry of Foreign Affairs. Ing Kantha Phavi said the Ministry of Women's Affairs (MOWA) and the NTF could play a watchdog role. Sar Kheng stated that the Ministry of Interior (MOI) would be the direct users of

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the information and the implementers if any action were to be taken against travelers identified through the International Megan's Law.

Challenges Noted

15. (SBU) The StaffDel acknowledged during several meetings with RGC and NGO representatives that the introduction of the International Megan's Law bill, and, depending on its passage, the ensuing development of a notification system poses challenges. It was recognized that not all convicted sex offenders registered in the U.S. under the domestic Megan's Law pose a threat to the wellbeing of children, and may not travel overseas at all, or commit such offenses abroad. DPM Sar Kheng agreed that it could be useful for the U.S. to conduct a risk assessment of registered sex offenders based on the types of crimes an offender committed to help determine whether a sex offender traveling to Cambodia is a possible threat to children. (Note: There is currently no U.S. risk assessment of registered sex offenders. End Note.)

Integrating a Notification System

16. (SBU) To address another possible challenge, the StaffDel explored the Cambodian government's capacity to receive information about Amcit convicted sex offenders traveling to Cambodia. During meetings with the Cambodian National Central Bureau of Interpol Head Major General Keo Vannthan and Immigration Department Director Major General Thong Lim, both under the MOI, the StaffDel heard that Interpol has the ability to notify immigration officials at each of Cambodia's 20 points of entry about information regarding incoming travelers. Thong Lim stated that four of Cambodia's points of entry, including international airports in Phnom Penh and Siem Reap, use a computerized name check system that currently does not contain information on TIP crimes. For foreign criminals who have been previously convicted in Cambodia, the MOI maintains a hardcopy blacklist of perhaps several hundred names that is periodically updated and sent to points of entry. Thong Lim and Keo Vannthan both stated

that if their departments received information that an Amcit convicted sex offender is traveling to Cambodia, they would send the information to Cambodian National Police Commissioner General Hok Lundy for a decision on how to handle the case. Thong Lim suggested that a decision might be made to monitor the individual. (Note: RGC contacts did not elaborate on how law enforcement or other officials would monitor individuals. However, some police have been involved with monitoring of suspected child sex abusers during past investigations, usually together with NGOs. End note.) Thong Lim stated that immigration officials would require biodata on the traveler, as well as information on the nature of the crime committed and when it occurred.

RGC Acknowledges Recent Setbacks at the Courts

17. (SBU) During meetings with DPM Sar Kheng, NTF Chair You Ay, and Deputy Commissioner General of Police Lieutenant General Neth Saveoun, the RGC officials raised the recent problematic Sihanoukville Court decision to release on probation a convicted child sex abuser, Russian national Nikita Belov (Refs A and B). For the first time, Sar Kheng asserted that there may have been "irregularities" in the Belov court case and reaffirmed his past statements that he has instructed the Ministry of Justice (MOJ) to investigate the specifics of the case. Separately, MOJ Under Secretary of State Ith Rady told Emboff that his review of the case determined that the Sihanoukville judge did not understand that the perpetrator could be charged with a more serious crime. One of the minor victims is reported to have testified to being forced to perform oral sex on Belov. However, the court chose to charge Belov with the misdemeanor charge of "Indecent Acts with a Minor" instead of the felony of "Sexual Acts with a Minor." The misdemeanor charge allowed the judge to make the decision to release the offender on probation.

18. (SBU) Ith Rady also updated Emboffs on two recent problematic Appeals Court cases, the first involving a Belgian national, Philippe Dessart, who was convicted of debauchery and sentenced to 18 years in prison in 2006, the second involving a wealthy Russian pedophile, Alexander Trofimov, who was arrested in October 2007 (Ref C). On August 26, the Appeals Court upheld Dessart's 2006 conviction but changed the charge against him to "indecent acts against

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a minor" under the new anti-TIP law and reduced his prison sentence to the maximum allowable prison term for indecent acts: three years. Ith Rady reported that the Cambodian Embassy in Belgium sent a letter to the MOJ with information on a previous child sex abuse conviction of Dessart in Belgium. This information might help determine if there should be a heavier punishment for the perpetrator, as the court prosecutor is now appealing the Appeals Court decision to the Supreme Court. The prosecutor is looking at the possibility of the court being able to apply a provision of the law stating that, "A person who repeatedly commits any offense (of indecent acts against a minor) shall be punished with double the prison punishment." In the second case, Alexander Trofimov appeared for his Appeals Court trial on August 22; however, the Appeals Court postponed the trial because the court heard from Trofimov's lawyer that Trofimov was too sick to come to the court. A new trial date is set for September 24.

Details About Staff Delegation Wells

19. (U) In addition to U.S. House Foreign Affairs Committee Deputy Chief Counsel Kristin Wells, the StaffDel included Subcommittee on Africa and Global Health Minority Staff Director Sheri Rickert, who authored the "International Megan's Law" bill; Foreign Affairs Committee Chief Counsel for the Minority Doug Anderson; House Judiciary Committee

Counsel Lou DeBaca; Foreign Affairs Committee Press Assistant David Barnes; and Foreign Affairs Committee Administrative Director Melissa Adamson. Several of the StaffDel members made a stop in Long Beach, California to meet with ICE and CBP officials there, after which the StaffDel conducted a four-day fact-finding visit to Thailand. ICE Senior Special Agent Hung Nguyen accompanied the group to Cambodia from his regional office in Bangkok.

Comment

¶10. (SBU) News of the introduction of the "International Megan's Law" bill is a welcome development for the RGC and the Embassy. Cambodia is fighting its history as a prime destination for child sex predators but given its existing reputation, an effort to track or stop American convicted sex offenders who intend to travel to Cambodia will be a helpful tool for Cambodia to fight this scourge. It may also serve to decrease the number of ACS cases handled by our Consular Section which is currently providing consular services to two Amcits (Thomas Wayne Rapanos arrested March 4 and Richard David Mitchell arrested August 28) who were charged with child sex abuses in 2008. However, if the International Megan's Law is passed, Cambodia's capacity to use notification information on an incoming convicted sex offender to monitor individuals and to fight child sex abuse is uncertain. We've seen that the RGC can accomplish a great deal but successful use of police resources to monitor and investigate sexual exploitation have in the past typically required NGO involvement.

¶11. This cable has been cleared by U.S. House Foreign Affairs Committee Deputy Chief Counsel Kristin Wells and Subcommittee on Africa and Global Health Minority Staff Director Sheri Rickert.
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